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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RONALD-KENNETH STRASSER,

Plaintiff,

v.

STATE OF OREGON, by and through Governor Kate Brown; Kate Brown, in her individual capacity, Shelley Hoffman (STATE RISK MANAGER), Eric Machado CLACKAMAS COUNTY RISK AND SAFETY MANAGER, CLACKAMAS COUNTY SHERIFF, Craig Roberts, in his individual capacity, CLACKAMAS COUNTY SHERIFF, Dave Ellington, in his individual capacity, CLACKAMAS COUNTY SHERIFF DÉPUTY'S; Daniel Joseph O'Keefe, Greg Keppler, and Morgan Guthner, in their private capacity, CAPTAIN David O'Shaughnessy, in his private capacity, SERGEANT Corey R. Smith in his private capacity, Katy Coba, Department of Administrative Services, CLACKAMAS COUNTY CIRCUIT COURT OFFICER, JUDGE Robert D. Herndon, CLACKAMAS COUNTY CIRCUIT COURT OFFICER, JUDGE Jeffery S. Jones, CLACKAMAS COUNTY CIRCUIT COURT OFFICER, JUDGE Thomas J. Rastetter, Debbie Spradley, TRIAL COURT

Case No. 3:19-cv-01051-SI

STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT

ADMINISTRATOR, CLACKAMAS
COUNTY DISTRICT ATTORNEY John S.
Foote, Assistant D.A. Christopher K.
Haywood, County Administrator Donald
Krupp, Chief Executive Officer Deputy Laurel
Butman, Commissioner Ken Humberston,
Oregon State Sheriffs Association, Pat Garrett,
2017 OSSA President & Washington County
Sheriff, Department of Public Safety Systems
and Training, DPI Security (formerly DePaul
Security Service), all Clerks of Clackamas
County Court and their associates, all other
deputy's, directly and indirectly involved, and
John and Jane Does 1 to 100, et al., in equal
fault (Black's Law 5th, p. 711; also see 42 CJS
"indemnity" subsection 27

Defendants,

Joel Manley, Samantha Olson, Clackamas
County Sheriff's Office Professional Standard
Unit, Lieutenant Ken Boell, Captain Shane
Strangfield, Detective Dan Smith

Respondents.

After finally making efforts to effectuate service of the Fourth Amended Complaint on the various defendants, Plaintiff has now filed a motion for an order finding all defendants in default for failure to respond to the Fourth Amended Complaint. ECF 96. The State Defendants (collectively, the State of Oregon, Governor Kate Brown, Shelley Hoffman, Katy Coba, Judge Robert Herndon, Judge Jeffrey Jones, Judge Thomas Rastetter, Debbie Spradley, John Foote, Christopher Heywood (misspelled as "Haywood" in the caption), and the Department of Public Safety Standards and Training), appearing specially and without waiver of any defense, including the immunity conferred by the Eleventh Amendment to the United States Constitution, respectfully request that the Court deny plaintiff's motion.

The State Defendants have already appeared and defended themselves against the Fourth Amended Complaint by filing a motion to dismiss (ECF 52), and the Court has issued an order granting that motion and dismissing the Fourth Amended Complaint with prejudice as against

the State Defendants. *See* ECF 68 (Opinion and Order). The State Defendants are not in default. The motion should be denied.

Consistent with the dismissal, State Defendants are filing, contemporaneously with this response, a motion that the Court enter a limited judgment so that this matter can be conclusively resolved in their favor and they can be free from plaintiff's harassing filings.

DATED May 8, 2022.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/Jesse B. Davis

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Of Attorneys for State Defendants

CERTIFICATE OF SERVICE

I certify that on May 8, 2022, I served the foregoing STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT upon the parties hereto by the method indicated below, and addressed to the following:

Ronald Kenneth Strasser
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Pro Se Plaintiff

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